(1)
Supreme Court, U.S.
FILED
02 926 OCT 18 2002
OFFICE OF THE CLERK

No.____

IN THE

Supreme Court of the United States

GUSSIE MINUS

Petitioner,

vs.

E.I. DUPONT DE NEMOURS & COMPANY

Respondent(s).

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

GUSSIE MINUS
P.O. BOX 41813
CHARLESTON, S.C. 29423
(843) 552-9718
Pro Se

Bafmar Legal Publishing Services, Falls Church, VA (703) 289-9000

24 pp

QUESTIONS PRESENTED

1. Unsettled Equal Employment Opportunity charge against E.I. DUPONT De Nemours. Did DUPONT truthfully cooperate with EEOC when the charge of Employment discrimination was made by the petitioner in the recruitment, selection and promotion process. In addition, did DUPONT violate its own policy with the selection of members for the interview team? Were members of the selection committee properly trained to interview? Was age a factor in the process?

2. Did a violation occur when the human resource manager, Joe Waddell, testified that he was not a part of the selection committee when, in fact, he was a part of the team and his scores were not reported?

3. Did DUPONT fail to follow through on a verbal agreement made with petitioners' attorney concerning promoting respondent to supervisor/manager position, causing a broken verbal contract?

4. Did a violation of the respondents' legal rights occur when the respondents' case was merged with a former DUPONT employee without his knowledge in order to obtain information relevant to the former employees' case, and therefore the respondents' attorney became grossly negligent in attending to the merits of the petitioners' case by failing to file documents in a timely manner?

5. Did an act of negligence occur when respondents' case was transferred to a different judge?

6. Did the petitioner's attorney violate his constitutional rights by violating lawyer/client confidentiality by combining the case with that of a former DUPONT employee? Did petitioners' attorney have any dealing with DUPONT that would have caused a conflict of interest?

7. Did a violation occur when the United States Court of Appeal instructed the petitioner to request information from the respondent and the respondent failed to provide said information to petitioner?

8. Did a violation occur when petitioner was harassed by Supervision at DUPONT for filing a complaint with the EEOC and did a violation occur against respondent when he on two occasions filed a complaint with the EEOC?

9. Did an act of violation occur when the company violated its own policy when it stated they met and complied with all ISO 9001-1994 and 9004-2000 standard qualifications/requirements in selecting/promoting employees, when it selected for Management representative, an employee with less skills, qualification and education?

10. Did a violation occur when the company hired a team to survey working conditions governing the selection, recruitment, promotion and work environment at the site, cover up the same by placing blacks temporarily in position and rolled them back after the investigation was over?

11. Did a violation occur during the EEOC survey visit in order to dispose of employees' EEOC charge in order to sell the Cooper River site and prevent any further complication in order to receive State and Federal tax provisions for the new company?

12. Did E.I. DUPONT De Nemours violate its own established procedures to assess, identify and actively recruit minority employees with the potential for advancement within the company?

13. Did a violation occur when DUPONT attorneys, on June 13, 2002, filed a motion for extension of time indicating they did not receive a copy of the Fourth Circuit Court of Appeals, when signed proof of delivery card was returned to Gussie Minus?

14. Did a violation or cover-up occur when requesting information from DUPONT attorneys and they refused to supply me with requested information?

15. Did a violation occur when I applied for a position within the corporation and was rejected not based on skills and qualification, but due to the company seeking to promote a white female with less skills, education and seniority?

16. Did a violation occur when my present supervisor requested that I not go forward with my grievance and charges that I would be given a position? This was also acknowledged by Human Resource Manager, Rodney Kirk, at the time.

17. Did a violation occur when I filed my first EEOC Charge against the Company, and Human Resource Manager Rodney Kirk told the EEOC representative that he didn't want me to leave because he had a position for me?

TABLE OF CONTENTS

QUESTIONS PRESENTED i

TABLE OF AUTHORITIES v

OPINIONS BELOW 1

JURISDICTION 2

STATEMENT OF THE CASE 3

FACTS 3

ARGUMENTS 3

I. THE PETITIONER OPTED TO APPEAL THE CASE DUE TO GROSS NEGLIGENCE CAUSED BY HIS ATTORNEYS' FAILURE TO FILE AN APPEAL IN A TIMELY MANNER.

REASONS FOR GRANTING THE PETITION 4

CONCLUSION 5

APPENDIX A - NOTICE OF ISSUANCE OF MANDATE ... A-1

APPENDIX B – JUDGMENT A-2

APPENDIX C – APPEAL 4TH CIRCUIT A-7

APPENDIX D – EEOC NOTICE A-11

TABLE OF AUTHORITIES

STATUTES

Title VII of the Civil Rights Act of 1964 (Title VII).....

Age Discrimination in Employment Act of 1967 (ADEA) .....

Civil Rights Act of 1991 .....

In The

Supreme Court of the United States

PETITION FOR WRIT OF CERTIORARI

Respondent respectfully prays that a writ of certiorari be issued to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts:**

The opinion of the United States Court of Appeals, Fourth District appears at Appendix ___ to the petition and is:

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[X] is unpublished.

The opinion of the United States District Court appears at Appendix _____ to this petition and is:

[ ] reported at _____; or,

[ ] has been designated for published but is not yet reported; or,

[ ] is unpublished.

[ ]For cases from **state courts:**

The opinion the highest state court to review the merits apparatus at Appendix ____to the petition and is:

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

JURISDICTION

[X] For cases from Federal Courts:

[X] The date on which the United States Court of Appeals decided by case was **August 7, 2002.**

[X] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date:

and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to including _____(date) on ____(date____in Application No. _____.

The jurisdiction of this Court is invoked under 28 USC § 1254 (1).

[ ] For cases from State Courts:

the date on which the highest State Court decided my case _____.

A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was hereafter denied on the following date: _____, and

a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including

_____(date) on ____(date) in Application No. _____.

The jurisdiction of this Court is invoked under 27 USC § 1257(a).

STATEMENT OF THE CASE

The Petitioner dissents with the Respondents' statement of the case.

FACTS

The petitioner would elaborate as to certain facts concerning the case. The petitioner sought judicial review of the Order of the Circuit Court Judge by filing a Notice of Intent to Appeal and Petition for Judicial Review and serving notice on the attorney for the Respondent (E.I. DUPONT DE NEMOURS). The appeal was scheduled, but due to negligence on the part of the petitioners' attorney, case was closed without response by petitioners' attorney, due to failure on his part to file timely appeals and forward relevant information in a timely manner. When petitioner learned of failure by his attorney to comply with requests from the courts, petitioners' case had been closed. Petitioner is seeking a reversal of court mandate in order to have an opportunity to question/cross examine all those deposed by E.I. DUPONT in relation to his case.

ARGUMENTS

I. THE PETITIONER OPTED TO APPEAL THE CASE DUE TO GROSS NEGLIGENCE CAUSED BY HIS ATTORNEY'S FAILURE TO FILE AN APPEAL IN A TIMELY MANNER.

The issues surrounding this case were that I applied for a position within the DUPONT corporation at the Cooper River Site in Charleston, SC.

I filed a grievance which stated that they did not take into account my full level of qualifications when selecting employees to fill this position. DUPONT states that it complies with ISO 9001-1994 and ISO 9004-2000 Standards when promoting individuals for any position. These standards state that education, skills and experience are considered in promoting employees to positions within the company.

I followed the chain of command within the corporation in the grievance process and then I proceeded to take my complaint to the EEOC and filed a charge of discrimination and retaliation against my employer.

The EEOC granted me the right to sue. I then proceeded to file a charge with my attorney.

One member of the selection committee was instructed to hire a white employee. During the process, the respondents' case was combined with that of another former employee, Therefore, my case was used to assist the former employee and caused my case to be neglected to give support to the other case and save the career of the first female Black manager at the Cooper River Site and to destroy my EEOC charges.

I, the respondent, appealed to the United States Court of Appeals for the Fourth Circuit in Richmond, VA.

REASONS FOR GRANTING THE PETITION

1. Violation of companys' own internal policy concerning Selection, Recruitment, and Promotion at E.I. Dupont De Nemours Corporation.
2. Failure on part of petitioners' attorney to depose/cross examine employees at Dupont relative to the case.
3. Lawyer conflict of interest.
4. Negligence on part of petitioners' attorney.
5. Failure of Duponts' attorneys to provide petitioner with information as it relates to this case.
6. Petitoners' right to cross-examine witnesses deposed against him.
7. Failure by Dupont to provide petitioner with response to grievance.

8. Retaliation and discrimination based on age and race by E.I. Dupont.

9. Prevention of grievance process from going forward up the chain of command.

10. Allowing the company to collect the survey and not reporting all the facts concerning the working environment.

11. Individual hired based on personal preference of supervisor responsible not based on applicants' qualifications.

CONCLUSION

THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED.

Respectfully submitted,

Gussie Minus
P.O. BOX 41813
CHARLESTON, S.C. 29423
(843) 552-9718

Pro Se

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-1551

GUSSIE MINUS,

Plaintiff – Appellant,

Versus

E.I. DUPONT DE NEMOURS & COMPANY

Defendant – Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Falcon B. Hawkins, Senior District Judge; Wallace Wade Dixon, Magistrate Judge. (CA-00-3067-2-11RB)

Submitted: July 25, 2002 Decided: August 7, 2002

Before WIDENER, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Gussie Minus, Appellant Pro Se. Amy Miller, MCGUIREWOODS, L.L.P., Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Gussie Minus seeks to appeal from the denial of relief in his employment discrimination action. We dismiss the appeal for lack of jurisdiction because Minus' notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's final order was entered on the docket on July 3, 2001. Minus' notices of appeal were filed on May 13 & 14, 2002. Because Minus failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

A-3

JUDGMENT

FILED: August 7, 2002

UNITED STATES COURT OF APPEALS

for the

Fourth Circuit

NO. 02-1551
CA-00-3067-2-11RB

GUSSIE MINUS

Plaintiff – Appellant

v.

E.I. DUPONT DE NEMOURS & COMPANY

Defendant – Appellee

Appeal from the United States District Court for the District of South Carolina at Charleston

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In accordance with the written opinion of this Court filed this day, the Court dismisses the appeal.

/s/ Patricia S. Connor
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

August 7, 2002

TO: Gussie Minus
Amy Miller, Esq.

NOTICE OF JUDGMENT

Judgment was entered this date in Case Number(s): 02-1551

The Court's decision is enclosed.

PETITION FOR REHEARING (FRAP 40)
PETITION FOR REHEARING EN BANC (FRAP 35)

Filing Time

A petition must be received in the clerk'soffice within 14 days after judgment to be timely. There are three exceptions to this rule:

(1) In all civil cases in which the United States or an agency or officer thereof is a party, the time within which a party may seek rehearing shall be 45 days after entry of judgment.

(2) The Court may grant an extension of time or leave to file a petition for rehearing out of time if the party establishes that the delay resulted from the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or other circumstances wholly beyond the control of counsel or a party proceeding without counsel.

(3) Prisoner petitions are deemed filed when delivered to prison authorities.

If a petition for rehearing en banc is to be filed, it must be filed at the same time and in the

same document as the petition for rehearing and must be clearly identified in the title.

Each case number to which the petition applies must be listed on the petition, even in companion or consolidated cases. Failure to list the individual case numbers on the petition will result in the unidentified cases proceeding to mandate even if a timely petition for rehearing has been filed in a companion or consolidated case.

A timely filed petition for rehearing or petition for rehearing en banc will stay the mandate and toll the running of time for filing a petition for writ of certiorari.

Purpose

A petition should only be made to direct the Court's attention to one or more of the following situations:

1. A material fact or law overlooked in the decision.
2. A change in the law which occurred after the case was submitted and which was overlooked by the panel.
3. The opinion is in conflict with a decision of the United States Supreme Court, this Court, or another court of appeals, and the conflict is not addressed in the opinion.
4. The proceeding involves one or more questions of exceptional importance.

Statement of Counsel

A Petition shall contain an introduction stating that, in counsel's judgment, one or more of the situations exist as described in the above "Purpose" section. The points to be raised shall be succinctly listed in the statement.

Form — The 15 page limit allowed by the Rule shall be observed. The Court requires 4 copies of the petition (20 copies of a petition for rehearing en banc); however, a pro se party who is indigent may file the original only.

BILL OF COSTS (FRAP 39)

Filing Time — A party to whom costs are allowed, who desires taxation of costs, shall file a bill of costs on or before 08/21/02.

MANDATE (FRAP 41)

Issuance Time — Except in original proceedings before this Court when there is no mandate, the mandate is issued 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay the issuance. If the petition or motion is denied, the mandate will issue 7 days later. If a stay of mandate is sought, only the original of a motion need be filed.

Stay — A motion for stay of the issuance of the mandate shall not be granted simply upon request. Ordinarily the motion will be denied unless it would not be frivolous or filed merely for delay and would present a substantial question or otherwise set forth good or probable cause for a stay.

CRIMINAL JUSTICE ACT

CJA — Counsel appointed under the Criminal Justice Act must file their vouchers within 60 days of entry of judgment, denial of a petition for rehearing, or the grant or denial of a petition for certiorari, whichever is later.

PETITION FOR WRIT OF CERTIORARI (Sup.Ct.R. 13)

Filing Time

Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons. The petition must be filed in the United States Supreme Court within 90 days of this Court's entry of judgment. The time does not run from the issuance of the mandate. If a petition for rehearing is timely filed, the time runs from the denial of that petition. Content, fees, and number of copies of a petition for writ of certiorari are governed by the Rules of the United States Supreme Court.

PATRICIA S. CONNOR
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

FILED
Jul 3 2001
LARRY W. PROPES, CLERK
CHARLESTON, SC

Gussie Minus

Plaintiff,

JUDGMENT IN A CIVIL CASE
Case Number: 2:00-3067-11RB

vs.

E.I. du Pont de Nemours & Company, Inc.

Defendant,

[ ] Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been duly rendered.

IT IS ORDERED that defendant's E.I. du Pont de Nemours & Company, Inc., Motion for Summary Judgment is Granted and this action is dismissed.

LARRY W. PROPES, Clerk

By /s/_____
Deputy Clerk

July 3, 2001

APPEAL CLOSED

U.S. District Court
District of South Carolina (Charleston)

CIVIL DOCKET FOR CASE #: 00-CV-3067

Minus v. EI DuPont DeNemours
Assigned to:
Senior Judge Falcon B. Hawkins
Demand: $0,000
Lead Docket: None

Filed 09/29/00
Jury demand: Plaintiff
Nature of Suit: 442
Jurisdiction: Federal Question

Dkt# in other court: None

GUSSIE MINUS
plaintiff

Arthur Cecil McFarland
843-763-5347
[COR LD NTC]
McFarland and O'Neill
PO Box 80549
Charleston, SC 29416
803-763-3900

v.

E I DUPONT DENEMOURS & COMPANY

Gayla S. L. McSwain
843-722-3227
[COR LD NTC]
McNair Law Firm
PO Box 1431
Charleston, SC 29402
843-723-7831

Proceedings include all events. APPEAL CLOSED
2:00cv3067 Minus v. EI DuPont DeNemours

Gussie Minus

Plaintiff

v.

E I DuPont DeNemours & Company

Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

FILED
Jul 3 2001
LARRY W. PROPES, CLERK
CHARLESTON, SC

Kabir Yusuf Halim

Plaintiff,

JUDGMENT IN A CIVIL CASE
Case Number: 2:00-3068-11RB

vs.

E.I. du Pont de Nemours & Company, Inc.

Defendant,

[ ] Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been duly rendered.

IT IS ORDERED that defendant's E.I. du Pont de Nemours & Company, Inc., Motion for Summary Judgment is Granted and this action is dismissed.

LARRY W. PROPES, Clerk

By /s/_____
Deputy Clerk

July 3, 2001

EQUAL EMPLOYMENT OPPORTUNITY COMMISSIO

DISMISSAL AND NOTICE OF RIGHTS

To: Gussie Minus P. O. BOX 41813 NORTH CHARLESTON, SC 29420-181	From: E.E.O.C Equal Employment Opportunity Comm. 15 South Main Street Suite 530 Greenville, SC 29601

☐ *On behalf of a person aggrieved whose identity is CONFIDENTIAL. (29 C.F.R. 1601.7(a))*

Charge Number	EEOC Representative	Telephone Number
14CA00449	Beth Y. McGill	(864) 241-4400

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other *(briefly state)*_____

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for will ful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission

Patricia B. Fuller

JUN 30 2000

Patricia B. Fuller, Director — (Date)

Enclosure(s)

cc: E.I. Dupont De Nemours &
P. O. Box 118028
Charleston, SC 29423

Minus
EXHIBIT NO. 540
M. FARRELL 12/7/00

EEOC FORM 161 (Rev 09/97) — Dale RESPONDENT REP COPY

A-12

[Bank of America logo]

August 22, 2002

Gussie Minus
8318 Whitehaven Dr.
P.O. Box 41813
Charleston, SC 29423

Re: Gussie Minus v. E.I. Du Pont De Nemours & Company, Inc. Case Number: 1551

Dear Mr. Minus:

We are in receipt of your letter dated July 24, 2002 requesting a copy of a Du Pont Corporation Disclosure. Please be advised that Bank of America cannot disclose any information regarding this matter without having been served with a valid subpoena.

Sincerely yours,

/s/_____
Craig R. Baldauf
Assistant General Counsel

CRB.dsm

[Olympic logo]
437554 v1